

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

JUL 16 2008

William B. Guthrie
Clerk, U.S. District Court

By _____ Deputy Clerk

ROGER CLARK,

Petitioner,

v.

GREG PROVINCE, Warden,

Respondent.

No. CIV 06-165-RAW-KEW

ORDER AND OPINION
DENYING CERTIFICATE OF APPEALABILITY

Petitioner has filed a notice of intent to appeal the court's order entered April 29, 2008, affirming and adopting the Magistrate Judge's Report and Recommendation and denying petitioner's petition for a writ of habeas corpus. After a careful review of the record, the court concludes petitioner has failed to make a "substantial showing of the denial of a constitutional right," as required by 28 U.S.C. § 2253(c)(2). The court further finds petitioner has not shown "at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether [this] court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

ACCORDINGLY, petitioner's motion for a certificate of appealability [Docket #31] is denied.

IT IS SO ORDERED this 16th day of July 2008.


RONALD A. WHITE
UNITED STATES DISTRICT JUDGE